

RECEIVED

JAN 12 2017

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES

CASE NO. 6:15-cr-00113-1

VERSUS

JUDGE DOHERTY

REED

MAGISTRATE JUDGE HANNA

RULING

Pending before the court is a motion entitled “Government’s Request for Notice of Intent to Use the Defense of Alibi” [Rec. Doc. 103] filed by the government. Therein, the government requests that this Court order the defendant to provide the government with written notice of (1) any intent to use the defense of alibi at trial, (2) the specific time and place(s) the defendant claims to have been at the time of the alleged offenses, and (3) the names, addresses, and telephone numbers of the witnesses upon which the defendant plans to rely to establish his alibi. This Court is, furthermore, in receipt of a document entitled “Defendant’s Notice Under Federal Rule of Criminal Procedure 12.1(a)(2) and Incorporated Memorandum of Law” [Rec. Doc. 104]. For the reasons that follow, the government’s motion is GRANTED IN PART and DENIED IN PART. The parties are ordered to exchange the information required by Fed.R.Crim.P. 12.1, however, the deadlines listed in Rule 12.1 are amended as described below.

As provided in Fed.R.Crim.P. 12.1(a)(1), “[a]n attorney for the government may request in writing that the defendant notify an attorney for the government of any intended alibi defense. The request must state the time, date, and place of the alleged offense.” Unless the court orders otherwise, the defendant must provide notice of intent to use the defense of alibi within 14 days, and that notice must include: “each specific place where the defendant claims to have been at the

time of the alleged offense; and... the name, address, and telephone number of each alibi witness on whom the defendant intends to rely.” Fed.R.Crim.P. 12.1(a)(2)(A)-(B).

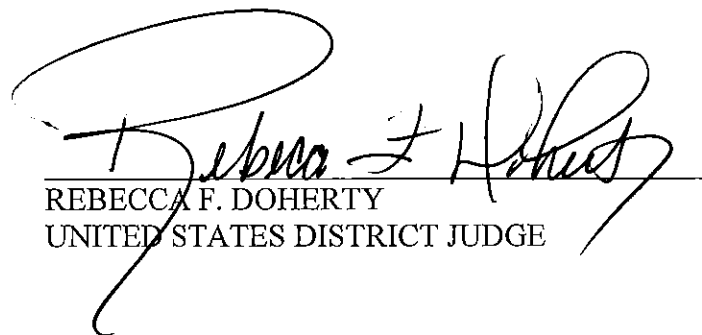
Once the defendant has served such a notice on counsel for the government, counsel for the government must serve on the defendant “the name of each witness – and the address and telephone number of each witness other than a victim – that the government intends to rely on to establish that the defendant was present at the scene of the alleged offense; and...each government rebuttal witness to the defendant's alibi defense.” Fed.R.Crim.P. 12.1(b)(1)(A)(i)-(ii). The government's reciprocal notice is due within 14 days of the defendant's service of notice of an intent to use the defense of alibi, unless the court directs otherwise, but no later than 14 days prior to trial. Fed.R.Crim.P. 12.1(b)(2).

The government filed its written Request for Notice of Intent to Use the Defense of Alibi on January 10, 2017. The defendant files his Notice Under Federal Rule of Criminal Procedure 12.1(a)(2) and Incorporated Memorandum of Law on January 11, 2017. Given the trial date of February 6, 2017, this Court finds that the exchange of information related to alibi witnesses requires amended deadlines to be completed in a timely manner, as described below and as agreed to by the parties.

IT IS HEREBY ORDERED the “Government's Request for Notice of Intent to Use the Defense of Alibi” [Rec. Doc. 103] is GRANTED IN PART AND DENIED IN PART. The request is GRANTED to the extent it triggers the disclosure obligations outlined in Fed.R.Crim.P. 12.1, and DENIED to the extent this Court amends the deadlines prescribed in Rule 12.1. The defendant is ordered to comply with his obligations under Rule 12.1 no later than **12:00 p.m. (central time) on Wednesday, January 18, 2017**. The government is ordered to provide its responsive documents to the defendant no later than **4:30 p.m. (central time) on Thursday, January 19,**

2017. Additionally, by agreement of the parties, this information is to be exchanged between the parties, and not filed into the record.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 12th day of January, 2017.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE